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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1754 OF 2007

Dharmendrasingh Gajrajsingh Applicant
versus
The State of Maharashtra Respondent

Mr.Sanjay Bhatia for applicant.
Ms.M.M.Deshmukh, APP for State.

CORAM : V.C.DAGA, J.
DATE : 18th July 2007

PC :

1. Heard learned counsel for the applicant and the learned APP for the State. Perused application. The applicant has invoked jurisdiction of this Court under section 439 of the Cr.P.C. to seek bail.

2. The factual matrix reveals that FIR was registered on 8th December 2006 with Nerul Police Station, Navi Mumbai. According to the post mortem report the reason of death of the deceased is "Asphyxial death due to strangultion associated withhead injury".

3. During the course of investigation one witness, namely, Sumitra Krishna Kadu has stated

in his statement that he saw the present applicant locking the door of the deceased house from outside and, thereafter, he saw one Dinesh Singh coming out from the window of the house. The said Dinesh Singh is still absconding. The investigation is yet to be completed.

4. The present applicant is not a permanent resident of Maharashtra. He appears to be a resident of Uttar Pradesh.

5. It will be difficult to secure his presence.

6. At this juncture it will not be out of place to mention that non resident of Maharashtra alone may not be a good ground for refusing the bail, if considered in isolation. However, after taking an over all view of the matter and considering prima facie, material available on record, in my considered view, this is not a fit case for grant of bail.

7. In the above view of the matter the bail application is rejected. Application is disposed of.

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(V.C.DAGA, J.)